



**THE ATTORNEY GENERAL  
OF TEXAS**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

**AUSTIN, TEXAS 78711**

March 31, 1969

Honorable Bevington Reed  
Commissioner of Higher Education  
Sam Houston State Office Building  
Austin, Texas 78701

Opinion No. M-365

Re: Whether establishment of  
a Center as recommended  
by the Coordinating Board,  
Texas College and Univer-  
sity System, requires  
specific authorizing legis-  
lation.

Dear Dr. Reed:

In your letter requesting the Attorney General to render an opinion on the above question, you advised that the Coordinating Board, Texas College and University System, has adopted a recommendation reading as follows:

"That there be established immediately a Center in Laredo to offer upper-division college-level work giving special emphasis to upper-division programs in teacher education and business administration leading to the baccalaureate degree.

"The Board is of the opinion that the Center should be administered by Texas A&I University, which has a distinctive teacher education program and is rapidly developing a bilingual business administration program with a grant from the federal government.

"The Coordinating Board is of the further opinion that Texas A&I can provide these facilities through contract with Laredo Junior College for the use of its appropriate facilities. The use of the Center by Laredo residents can demonstrate to the Coordinating Board the effectiveness of higher educational opportunities in helping to solve the problems of the region and can serve to support a recommendation for the ultimate establishment of a free-standing upper-division master's level institution in Laredo."

You advised us, further, that the Southern Association

of Colleges and Schools, through the college delegate assembly, establishes the standards by which institutions in Texas are accredited by that regional organization, and that said association defines a Center in the following terms:

"A center is a non-degree granting division or unit of an institution, located in a geographical setting separated from the parent institution and established for a stated purpose in relation to the parent institution and to the area served. The center shall have a pattern or sequence of courses which leads to terminal programs or degrees on the parent campus or at other degree granting institutions.

"The center shall operate under the supervision of an administrative officer responsible to the parent institution. Its admission requirements and procedures, courses to be offered, and faculty shall have the approval and be under supervision of the appropriate departments on the home campus. Each course offered shall have physical facilities (including space and equipment) and library holdings equivalent to those required for the same course on the home campus. Academic requirements and instructional quality shall be equivalent to those maintained at the parent campus.

"For the purposes of identification, the parent institution must indicate on its transcripts the name of the center where courses are completed."

Subsequent to your request for an opinion we have received the following information from your office:

"In making its recommendations on Laredo, the Coordinating Board:

"a) Did not intend to create a permanent installation in Laredo by Texas A&I University. (note the language in the recommendation, emphasis added.)

"The use of the Center by Laredo residents can demonstrate to the Coordinating Board the effectiveness of higher educational opportunities in helping to solve the problems of the region and can serve to support a recommendation for the ultimate

establishment of a free-standing upper-division master's level institution in Laredo.'

"b) Considered a 'center' as a place where extension work may be done.

"c) Recognized that offering extension courses was within the present role of Texas A&I University.

"d) Did not believe that the establishment of a center would establish or create any university system because a 'center' has no individual life within itself but draws life from the institution offering extension services.

"e) Understood that this concept of a 'center' is in agreement with the accreditation definitions of the Southern Association of Colleges and Schools, ie. a center is a place where one does extension work, and as long as students do a prescribed portion of their curriculum on the Texas A&I campus for the degree the Association will judge it as a 'Center.'

"f) Determined that extension work as described above would be the only function of the 'Center.'

"g) Believed that a 'system' is made up of independent units, each of which has a life of its own and each of which can exist and function without the other units, all of which are under a common Board of Governance."

The duties of the Coordinating Board, Texas College and University System, are defined in Section 10 of the Higher Education Coordinating Act of 1965 (Article 2919e-2, Vernon's Civil Statutes); and, insofar as creation of such Center is concerned, the Board's duties are set forth in sub-sections (3) and (9) of said Section 10, in the following language:

"Sec. 10. The Board shall represent the highest authority in the State in matters of higher public education and shall

\* \* \* \*

"(3) Classify, and prescribe the role and

scope for, each public institution of higher education in Texas and make such changes in classification or role and scope of such institutions as it deems necessary.

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"(9) Make continuing studies of the needs of the State for research and for extension and public services and designate the institutions of higher education to perform research, public service and extension programs, including limitation of extension programs for credit to specific geographic areas." (Emphasis added.)

Texas A&I University is among the institutions subject to the provisions of the Higher Education Coordinating Act of 1965. Article 2919e-2, Section 2, subdivision (c). Therefore, the Coordinating Board must prescribe that university's role and scope within the State's higher education system, in compliance with Section 10(3) of the Act. The act of the Coordinating Board, authorizing establishment of such Center, as a facility of Texas A&I University, wholly managed by and dependent upon that institution, broadens the role and scope for Texas A&I University, as an institution of higher education, by providing educational services for a given area of the State, through its central campus and its Center at Laredo. Thus, in authorizing creation of the Center at Laredo, the Board will have done exactly as it is authorized to do in Section 10(3) of the Coordinating Act.

Section 10(9) of the Coordinating Act requires the Board to designate those institutions which are to carry out educational extension services within the State. The program to be carried out at the proposed Center, in offering specified college level courses for credit from Texas A&I University, will be an extension program of that university. Therefore, the Coordinating Board, in addition to having prescribed an aspect of the education role and scope of Texas A&I University, will have complied with the Legislature's direction that the Board designate the institutions to carry out extension programs. Texas A&I University has been designated by the Board as the institution to carry out an extension program in that area of Texas, through a Center in Laredo.

The Board, having had authority delegated to it as "the highest authority in the State in matters of public education," clearly has the authority and duty to act, with additional legislative affirmance of its acts, within the area

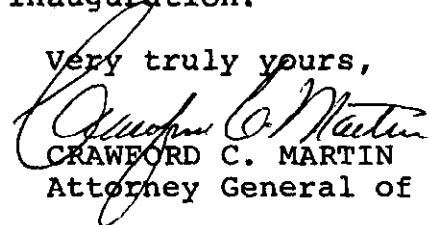
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of its delegated powers and duties. Within that area lie prescription of the educational role and scope for each educational institution covered by the Act, and a designation of the institutions to carry out extension programs, without geographic limitation. Since the Board, in recommending establishment of the Center, has acted wholly within the scope of the powers and duties delegated to it, there exists no need for legislative affirmance of such action.

S U M M A R Y

Establishment of a Center at Laredo, to be administered by Texas A&I University, as recommended by the Coordinating Board, Texas College and University System, will not require specific legislative authorization prior to its inauguration.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by Rick P. Fisher  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

Kerns Taylor, Chairman  
George Kelton, Vice-Chairman  
Charles Parrett  
Neil Williams  
Fisher Tyler  
Robert C. Crouch

W. V. GEPPERT  
Staff Legal Assistant